

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: BAUER Confirmation No.: 4723
Serial No.: 10/572,523 Group Art Unit: 1652
Filed: March 21, 2006 Examiner: Kagnew H. Gebreyesus
Title: LARGE SCALE PREPARATION OF ALPHA-1 PROTEINASE INHIBITOR
AND USE THEREOF

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically to: Examiner Kagnew H. Gebreyesus, Group Art Unit 1656, United States Patent and Trademark Office, Alexandria, VA 22313-1450, on November 2, 2009.



Attorney for Applicant
Reg. No. 26,429

Dated: November 2, 2009

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to the Restriction Requirement contained in the Office Action dated October 6, 2009, Applicant hereby elects Group I comprising claims 1-24, for examination in the subject application.

The applicant specifically reserves the right to pursue the non-elected claims through rejoinder in the current application and/or filing of divisional application.

In support of the Restriction Requirement, the Examiner states that the prior art of Lebing et al. (US Patent No. 6,462,180) teaches a purification method that results in the API of the instant application, and that no difference can be attributed to the purified API of Lebing et al.

and the API of the instant application. However, Applicant respectfully submits that due to the significant difference in the process of Lebing et al. and that of the current application, the product produced by the process of the present invention is distinguishable from other products, such that a claim for a "product by process" (claim 25) as well as claims for compositions comprising same (claim 26) and use thereof (claims 36-39) should be rejoined once claim 1 is allowed.

Favorable consideration of the elected claims is respectfully requested.

Respectfully submitted,



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Dated: November 2, 2009

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